

Appl No. 10/815,622
Amtd. Dated August 31, 2005
Response to Office Action of July 7, 2005

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REMARKS/ARGUMENTS

The Applicant thanks the Examiner for the Office Action dated July 22, 2005.

The Office Action has been carefully considered. The issues raised are respectfully traversed and addressed below with reference to the relevant headings and paragraph numbers appearing under the Detailed Action of the Office Action.

Claim Objections

Claim 61 has been amended to correctly depend from claim 59.

Claims 64 - 70 have been amended to refer to "the reading device as claimed in claim 1". It is respectfully submitted that it is clear that all features of claim 1 are incorporated into claims 64 - 70.

Claim Rejections - 35 USC §102

The Examiner has rejected a number of claims largely based on anticipation by Swartz (US 5,514,861).

Claim 1 has been amended to require that the coded data is also indicative "of a plurality of reference points, each reference point corresponding to a respective location on the interface surface". Claim 1 has been further amended to require that the processor determine "position data representing the position of a sensed reference point on the interface surface". These features have basis in previous claims 29 and 30 now cancelled.

The Examiner asserted that previous claims 29 and 30 disclosing coded data indicative of a plurality of reference points wherein each reference point corresponds to a respective location on the interface surface and the processor generates position data are not novel. However, the Applicant can find no disclosure in Swartz of these features and respectfully submits that Swartz is wholly silent concerning these features. In col 3, line 43 to col 4, line 67 relied on by the Examiner, there is no teaching or suggestion of a plurality of reference points with each reference point corresponding to a respective location on the interface surface. Likewise, in col 6, line 22 to col 7, line 45 there is no teaching or suggestion of reference points corresponding to a respective location on the interface surface. Moreover, neither these passages relied upon by the Examiner, or Swartz in general, teaches or suggests inclusion of a processor for determining both the identity of the product item and position data representing the position of a sensed reference point on the interface surface. The only disclosure in Swartz is of a light beam which is optically modified to form a beam spot of a certain size and directed by optical components toward a barcode symbol located in the vicinity of the working distance for reflection from the symbol (col 6, lines 22 - 30). The scanning component may either sweep the beam spot across the symbol and trace a scan line across and past the symbol, or scan the field of view of the photo detector (col 6, lines 33 - 37). Swartz also discloses auto discrimination (col 6, line 60), however, none of this teaches or suggests a plurality of reference points with each reference point corresponding to a respective location on the interface surface to allow a processor to determine position data representing the position of a sensed reference point on the interface surface. Swartz merely scans a barcode symbol for an identity of an item, Swartz is not directed at determining the position of a barcode symbol on the interface surface that carries the barcode symbol.

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Hence, Applicant respectfully submits that currently amended claim 1 is not anticipated and is not obvious in light of Swartz either taken alone or in combination with any of the other cited documents.


Claims 71 - 74 have been similarly amended and are thus submitted to be patentable in light of the cited documents. As all other claims are dependant from independent claim 1 it is respectfully submitted that all pending claims are patentable in light of the cited documents.

The Applicant has updated the paragraph from lines 12 to 16 at page 1 of the specification, to remove the docket numbers. The Applicant submits that this amendment introduces no new matter.

In view of the foregoing, it is respectfully requested that the Examiner reconsider and withdraw the rejections under 35 USC §102. The present application is believed to be in condition for allowance. Accordingly, the Applicant respectfully requests a Notice of Allowance of all the claims presently under examination.

Very respectfully,

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